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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
GONZALO LOPEZ-HERNANDEZ,  
Defendant.

No. CR 06-645 WHA

**STIPULATION AND ~~PROPOSED~~  
ORDER FOR CONTINUANCE OF  
BRIEFING SCHEDULE AND  
TRIAL DATE**

The parties stipulate and respectfully request as follows:

1. Defendant's Reply Brief is due for filing today, January 23, 2007;
2. Defendant's attorney, AFPD Falk, is currently at the beginning of a three month trial. Jury selection took place last week, for four days; January 16-19, 2007, from 8:30 a.m. to 4:30 p.m. (although the selection concluded at 3:00 p.m. on January 19th). Tomorrow is opening statement and the government's witnesses will directly follow the opening statement;
3. Defendant's counsel received the government's Response brief on Thursday, January

1 18, 2007. Given the fact that she was in trial until 4:30 p.m. that day, Ms. Falk, didn't  
2 have a chance to look at the motion until Thursday evening;

3 4. The government's response brief is substantial, and in Ms. Falk's view, requires  
4 extensive reply briefing;

5 5. Given her trial situation, Ms. Falk could not respond to the motion over the weekend.  
6 The motion has now been reassigned to another attorney at the AFPD office for the  
7 purpose of writing the reply brief, although Ms. Falk will still be available to argue the  
8 brief.

9 6. Due to Ms. Falk's trial situation, the parties hereby stipulate and agree that a two week  
10 extension of time is warranted. Ms Falk, without objection by the government, hereby  
11 requests that the Court continue the briefing schedule on this matter, to comport with  
12 the following schedule:

13 Reply Brief Due: February 6, 2007

14 Motion Hearing: February 13, 2007

15 7. The parties further stipulate and agree that, pursuant to 18 U.S.C. § 3161(h)(1)(F), time  
16 is excluded by statute until the Court rules on Defendant's pending pretrial motion that  
17 has not yet been heard by this Court.

18 **IT IS SO STIPULATED**

19  
20 Dated: January 23, 2007

/S/  
JULIE ARBUCKLE  
Assistant United States Attorney

21  
22 Dated: January 23, 2007

/S/  
ELIZABETH FALK  
Assistant Federal Public Defender

23  
24  
25 I hereby attest that I have on file all holograph signatures for any signatures indicated by a  
26 "conformed" signature (/S/) within this e-filed document.

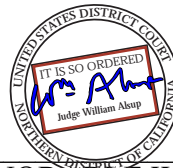
~~PROPOSED~~ ORDER

For the reasons stated herein, and for good cause shown, the briefing schedule and motion hearing date previously established by this Court for Defendant's Motion to Dismiss the Indictment in the aforementioned case are hereby VACATED, and time is excluded under the Speedy Trial Act until the Court rules on Defendant's pending motion to dismiss

The new dates for briefing and the Motion Hearing are set forth as stated in this stipulation.

**IT IS SO ORDERED.**

Dated: January 24, 2007



THE HONORABLE WILLIAM H. ALSUP  
UNITED STATES DISTRICT JUDGE